

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Freehills Patent & Trade Mark Attorneys
Level 43
101 Collins Street
MELBOURNE VIC 3000

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 13 JAN 2005

Applicant's or agent's file reference
M80767576

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001422

International filing date (day/month/year)
15 October 2004

Priority date (day/month/year)
15 October 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ B65G 1/10, 63/00

Applicant

GORDON BROTHERS INDUSTRIES PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustalia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

A. ALI
Telephone No. (02) 6283 2607

Best Available Copy

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001422

Box No. I **Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Best Available Copy

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001422

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-25	NO
Inventive step (IS)	Claims	YES
	Claims 1-25	NO
Industrial applicability (IA)	Claims 1-25	YES
	Claims	NO

2. Citations and explanations:

The following documents are considered to be highly relevant when assessing novelty and inventive step:

D1: EP 0242409 B1

D2: US 5860784 A

D3: US 3776399 A

D4: US 5845765 A

D5: US 5680923 A

D6: JP 09278117 A

D7: SU 574364 A

NOVELTY (N)

Claims 1-25 do not satisfy the criterion under PCT Article 33(2) for novelty as the features claimed are disclosed in the above citations. The citations disclose apparatus and method of accumulating products comprising at least one station where products are to be accumulated, an entry for products at one end and an exit at an opposite end, infeed means for conveying products to the entry, outfeed means for conveying products away from the exit, and moving means for moving products from the entry into the station and out of the station exit to the outfeed means. As all the documents above disclose accumulation of products for subsequent dispatch, it is inherent that products are moved into the station without being subsequently moved out of it.

For example, D2 discloses at least one station (storage carousel 12), infeed means 14, outfeed means 16 and moving means 22, 24.

INVENTIVE STEP (IS)

Claims 1-25 do not satisfy the criterion under PCT Article 33(3) for inventive step as the subject matter claimed has been fully disclosed in the citations above.

INDUSTRIAL APPLICABILITY (IA)

Claims 1-25 satisfy the criterion under PCT Article 33(4) for industrial applicability as the subject matter finds application in the storage and transportation industry.

Best Available Copy